

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOCIETE ANONYME DAUPHITEX,

Plaintiff,

07 Civ. 489 (RWS)

-against-

MEMORANDUM
OPINION

SCHOENFELDER CORPORATION,
SCH DPX CORPORATION,

Defendants.

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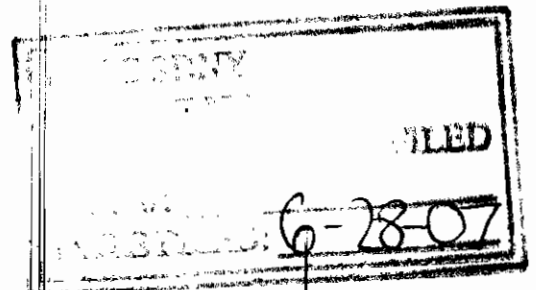
A P P E A R A N C E S:

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Sweet, D.J.

Plaintiff Societe Anonyme Dauphitex ("Plaintiff") has moved by an order to show cause for a finding of civil contempt against the Defendants Schoenfelder Corporation and SCH DPX Corporation (the "Defendants"). For the reasons set forth below, the motion is denied.

Prior Proceedings

This action was commenced by the Plaintiff's filing of a complaint on January 22, 2007, in an effort to enforce a June 2005 judgment of the Commercial Court of Paris.

On January 30, 2007, the Plaintiff moved for a writ of attachment by an order to show cause. On February 9, 2007, the Defendants filed a cross-motion for a stay of the proceedings. The motions were heard by this Court on February 21, 2007, and an order was signed on February 26, 2007, which: (1) denied the Plaintiff's motion for a pre-judgment order of attachment, without prejudice and with leave to renew; (2) granted the Defendants' motion to stay the action, without prejudice to any party to move the Court to extend or terminate the stay; (3) stayed all proceedings in this action until the Paris Court of Appeal issues a written decision; and (4) conditioned the stay on the posting of a bond by the Defendants no later than February

27, 2007 in the amount of \$675,000.

On March 7, 2007, the Plaintiff moved for a finding of civil contempt against the Defendants by order to show cause. The motion was heard by the Honorable Miriam Goldman Cederbaum on March 20, 2007, at which time the stay imposed by the Court's February 26, 2007 order was dissolved.

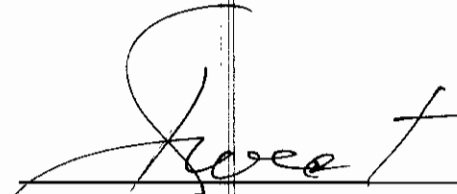
Conclusion

The Defendants having failed to post a bond and the stay having been dissolved by the Honorable Miriam Goldman Cederbaum on March 20, 2007, there remains at issue Plaintiff's motion for contempt for failure to post a bond. The bond having been a condition of the stay, there is no contempt in Defendants' failure to comply.

Accordingly, the motion for contempt is denied.

It is so ordered.

New York, NY
June 26, 2007



ROBERT W. SWEET
U.S.D.J.